UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/22
18 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 1 (c)

ORGANIZATION OF WORK: METHODS OF WORK OF THE SUB-COMMISSION

Report of the sessional working group on methods of work of the Sub-Commission, established pursuant to the Sub-Commission decision 1999/102

Chairman-Rapporteur: Mr. Marc Bossuyt

1. At its 2nd meeting, on 3 August 1999, the Sub-Commission, upon the recommendation of its officers, decided to establish a sessional working group on the methods of work of the Sub-Commission (decision 1999/102). The task of the working group was to consider and complete the examination of the new revised working paper on methods of work of the Sub-Commission prepared by Mr. Ribot Hatano pursuant to Sub-Commission decision 1998/108 (E/CN.4/Sub.2/1999/2).

2. Following nominations made by the various regional groups, the Sub-Commission approved the following composition of the working group: Mr. M. Bossuyt, Mr. H. Fix-Zamudio, Mr. R. Hatano, Mr. O. Shamshur and Mrs. H. Warzazi. Mr. Bossuyt was elected Chairman-Rapporteur.

3. The working group held three meetings, on 9, 11 and 13 August 1999. The meetings were open to all members of the Sub-Commission. The meetings were also attended by observers for States and intergovernmental and non-governmental organizations.

4. The working group had before it the working paper prepared by Mr. Hatano, which contained in an annex the draft compilation of rules of procedure, guidelines, decisions and practices applicable to the Sub-Commission.

5. In introducing his working paper, Mr. Hatano explained that, when justified, he had made mainly technical changes, not affecting substance, to certain of the rules of procedure of the functional commissions of the Economic and Social Council. Besides various existing guidelines, decisions, practices and notes by the Chairpersons, the compilation included new proposals which needed to be considered by the Sub-Commission. It was also recalled that, in 1997, the working group established during the forty-ninth session of the Sub-Commission had been able to consider rules 1 to 38 of the draft compilation as contained in the working paper prepared by Mr. Hatano (see the report of the sessional working group (E/CN.4/Sub.2/1997/40)).

6. During its 1999 session, the working group considered first rules 39 to 78 of the draft compilation, as well as other guidelines, decisions and new rules contained therein. Rules 1 to 38 were only considered to the extent that the sessional working group on the methods of work at the forty-ninth session of the Sub-Commission had suggested modifications. In the course of the discussion, some of the rules were orally revised or corrected by Mr. Hatano. Members of the Sub-Commission also introduced proposals with a view to modifying, supplementing or deleting some of the rules or parts thereof.

7. The following rules were approved without any substantive comments from the members of the working group or other participants: 40, 41, 46 to 68, 70 to 73, 75, 76 and 78.

8. Decisions taken or discussion held, if any, with regard to other rules and proposals contained in the revised working paper are reflected below.

Rule 5 (Drawing up of the provisional agenda)

9. The working group decided to replace the words "The High Commissioner for Human Rights" in paragraph 2 (e) by the words "The Secretary-General" and to delete subparagraphs (b) and (d) of paragraph 2 bis.

Rule 11 (Alternates)

10. The text of practice 3, subparagraph 2, was revised by deleting the words "or special rapporteurs".

11. Various issues relating to the role of alternates were discussed at length by the working group. A reference was made to Economic and Social Council resolution 1983/32 which expressly provided that the alternate "may serve temporarily ... if the member is unable to attend". Some participants felt strongly that an alternate could only participate in the debate if the member of the same nationality was absent, and that the alternate should in no case take the floor on the same item as the expert. It was pointed out in that regard that exceptions could only be made with respect to alternates who

had been entrusted by the Sub-Commission with the preparation of studies or working papers. The question was also raised of whether an alternate might become a sponsor of a draft resolution. It was pointed out that while it was a normal and common practice in the absence of the expert, the situation might become more complicated if, by the time of the vote, the expert had arrived and had quite different views with regard to the draft resolution in question. As a result of the discussion, new subparagraph 6 was adopted. See annex, rule 13 (Alternates), paragraph 2.

Rule 20 (Voting rights of the officers)

12. The working group decided to replace the text of paragraph 1 of practice 6 with the following text:

> "In the practice of the Sub-Commission, the Chairman would abstain from exercising his voting rights when he is chairing the meeting".

It was understood that this practice would apply to a Vice-Chairman when he is chairing the meeting.

Rule 39 (General principle)

13. Following the consideration of practice 8 and new proposal 1, the working group decided to delete new proposal 1 and to replace the text of practice 8 with the following text:

> "The Sub-Commission may at any time decide to hold a private meeting when such private meeting could facilitate an exchange of views among members".

Rule 42 (Points of order)

14. Following the consideration of new proposal 2 during which several drafting suggestions were made, the working group decided to adopt the following revised text of this new proposal:

> "A member may not raise a point of order in such a way as to interrupt the presentation of another member's point of order, unless, subject to the appreciation of the Chairman, the member who asked for the point of order first is speaking on the substance of the matter under consideration".

Rule 43 (Speeches)

15. The text of practice 9 was revised by adding, at the beginning, the words "Once the list of speakers on any particular item has been established"; by replacing "shall" by "may"; and by adding, at the end of the text, the words "unless otherwise decided by the Sub-Commission".

16. It was considered appropriate to change the order of subparagraphs (a), (b) and (c) in guideline No. 16 (Speaking time) in order to correspond to the order established in guideline No. 14 (Order of statements).

Rule 77 (Method of amendment)

17. There was a general understanding that it was not within the purview of the Sub-Commission to amend unilaterally the rules of procedure established by the Economic and Social Council. It was, however, felt that the application of certain rules could be clarified, without affecting their substance, to better serve the purposes of the Sub-Commission and to enhance its working methods.

XV. PREPARATION OF STUDIES

18. With regard to guideline No. 5 (Appointment of commentators), many experts agreed that this practice had not been much used but could still be helpful.

XVI. RESOLUTIONS AND DECISIONS

19. It was considered appropriate by the members of the working group to delete the entire reference to guideline No. 9 (Self-discipline).

20. In guideline No. 9 (bis) (Consultation), it was decided to replace the words "is found to exceed the desired number" by the words "risks being too high".

XVII. AGENDA ITEM ON HUMAN RIGHTS SITUATIONS

21. The wording at the end of decision 3 was modified to read: "two days after the opening of the session".

New rules proposed by some members and supported by many members of the Sub-Commission, but not yet formally approved as decisions (as contained in document E/CN.4/Sub.2/1999/2)

22. In paragraph 1 of new rule 3 (Immediate circulation of documents in working languages), the following sentence was added: "No document will be discussed by the Sub-Commission until it is translated into at least the three working languages, unless the Sub-Commission decides otherwise".

General comments

23. On the issue of the nature of the exercise undertaken with respect to the document submitted by Mr. Hatano and the follow-up to be given to it, some participants in the working group felt that that compilation of rules, as revised in the course of the session, should remain a document intended only for the internal use of the Sub-Commission. They also considered that no approval or endorsement of that document should be sought from the Commission on Human Rights and the Economic and Social Council. Reference was made in this connection to rule 24 of the rules of procedure, which expressly provides that those rules should apply to the proceedings of its subsidiary bodies "insofar as they are applicable". It was stated that the present exercise was undertaken exactly in line with rule 24 in order to apply, mutatis mutandis, the rules of the Economic and Social Council to the work of the Sub-Commission. Other participants were, however, of the view that the

document should be submitted to the Commission, and eventually to the Council, for information and possible comments or reaction. One participant was of the view that it would be wise to seek an opinion of the Legal Counsel.

24. The Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto, as revised by the working group, are annexed to the present report.

Annex

GUIDELINES FOR THE APPLICATION BY THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS OF THE RULES OF PROCEDURE OF THE FUNCTIONAL COMMISSIONS OF THE ECONOMIC AND SOCIAL COUNCIL AND OTHER DECISIONS AND PRACTICES RELATING THERETO

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I. SESSIONS

Rule 1 1/ Number of sessions

Unless the Economic and Social Council [the Council] decides otherwise, the Sub-Commission shall hold a session annually.

Rule 2 Date of opening

1. The date of opening of each session of the Sub-Commission shall be fixed by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

2. In exceptional cases, the date of opening of a session may be altered by the Secretary-General in consultation with the Committee on Conferences of the General Assembly and, wherever practicable, with the Chairman of the Sub-Commission.

A minute of silence

The Sub-Commission decides, at the opening of each session, a minute of silence in memory of citizens of all nations victims of human rights violations in all parts of the world. [Decision 1982/103, adopted in 1982.]

Rule 3 Place of sessions

The session shall be held at the headquarters of the United Nations, unless another place is designated by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

Rule 4 [Deleted: Notification of opening date of sessions]

The Secretary-General shall notify the members of the Sub-Commission of the date and place of the first meeting of each session at least [six weeks] in advance.

1/ The term "rule" as used in the text of the present rules is a reference to one of the rules of procedure of the functional commissions of the Economic and Social Council (E/5715/Rev.1). Whenever appropriate technical changes have been made to the wording of a rule without affecting its substance. References to decisions and practices of the Sub-Commission relating to the rules of procedure appear in smaller print. Proposals, if any, are indicated between square brackets. The guidelines referred to in the text may be found in the annex to resolution 1991/4 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 20 August 1991. Supplements to the guidelines are contained in document E/CN.4/Sub.2/1996/3 as approved by the Sub-Commission in its decision 1996/117.

II. AGENDA

Rule 5 (Drawing up of the provisional agenda)

1. The Secretary-General, in consultation with the Chairman whenever possible, shall draw up the provisional agenda for each session.

2. The provisional agenda shall include all items required by these rules as well as items proposed by:

(a) The Sub-Commission at the previous session;

(b) The General Assembly;

(c) The Economic and Social Council;

(d) The Commission on Human Rights;

(e) The Secretary-General.

2 bis The provisional agenda may include, when the Secretary-General and the Chairman fully agree, such items as proposed by:

(a) A working group of the Sub-Commission;

(b) A member of the Sub-Commission;

(c) A specialized agency, subject to rule 72;

(d) A non-governmental organization, subject to paragraph 4 of this rule.

3. Items proposed for inclusion in the provisional agenda pursuant to paragraph 2 bis shall be submitted with basic documents in sufficient time to reach the Secretary-General not less than seven weeks before the opening of each session.

4. (a) Non-governmental organizations having general consultative status may propose items for the provisional agenda provided that:

(i) An organization that intends to propose such an item shall inform the Secretary-General of such intention at least nine weeks before the opening of the session, and before formally proposing item(s) shall give due consideration to any comments the Secretary-General may make;

(ii) The proposal shall be formally submitted with basic documents not less than seven weeks before the commencement of the session;

(b) An item proposed in accordance with the provisions of this paragraph shall be included in the agenda of the Sub-Commission if it is adopted by a two-thirds majority of the members present and voting.

Rule 6 (Communication of provisional agenda)

1. The Secretary-General shall communicate to all members of the Sub-Commission the annotated provisional agenda, not less than six weeks before the opening of the session.

2. In exceptional circumstances, the Secretary-General may, for reasons to be specified in writing, transmit the basic documentation relating to items of the provisional agenda not less than four weeks before the opening of the session.

Rule 7 (Adoption of the agenda)

The Sub-Commission shall at the beginning of each session, after the election of its officers, in accordance with rule 15, adopt the agenda for that session on the basis of the provisional agenda referred to in rule 5.

Rule 8 (Revision of the agenda)

During a session, the Sub-Commission may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during the session.

Rule 9 (Draft provisional agenda for subsequent session)

At each session of the Sub-Commission, the Secretary-General shall submit a draft provisional agenda for the Sub-Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Sub-Commission to consider the documents from the point of view of their contribution to the work of the Sub-Commission and of their urgency and relevance in the light of the current situation.

III. REPRESENTATION

Rule 10 (Terms of office of members)

Unless the Council decides otherwise, the term of office of members of the Sub-Commission shall begin when they are elected at the election held biennially by the Commission on Human Rights and shall end when they are not elected at the election held four years later by the Commission.

Definition of "member"

In the Sub-Commission, the term "members" is used to mean both "experts and their alternates" and "experts or their alternates", as the case may be.

Rule 11 (Representatives)

[Not applicable to the Sub-Commission.]

Rule 12 (Rights of representatives pending confirmation)

[Not applicable to the Sub-Commission.]

Rule 13 (Alternates)

1. Each member of the United Nations may designate an "alternate" to act in place of an "expert" to be elected together with the "expert" at the election provided for in rule 10. When acting as "expert", the "alternate" so designated shall have the same status as an "expert", including the right to vote.

2. [Not applicable to the Sub-Commission.]

Rights of alternates

1. Alternates may attend all the meetings of the Sub-Commission, both public and private, together with their respective experts.

2. Alternates may be elected as officers only when appropriate experts are not available.

3. Alternates may not replace their respective experts who are acting as the Chairman or Rapporteur, unless the Sub-Commission decides otherwise.

4. Alternates may not take the seats of their respective experts who are on the podium.

5. An alternate may participate in the debate only if the expert is absent. The expert and the alternate shall not take the floor under the same item of the agenda.

6. When a sponsor of a resolution is not present at the time of the vote, but an expert/alternate of the same nationality is present, that sponsorship shall remain valid unless the other expert/alternate of the same nationality expressly renounces it.

Rule 14 (Advisers)

[Not applicable to the Sub-Commission.]

Advisers and assistants

Members may be accompanied by their advisers and/or assistants during the public meetings, if necessary.

IV. OFFICERS

Rule 15 (Election of officers)

At the commencement of the first meeting of a regular session, the Sub-Commission shall elect, from among its members, a Chairman, three Vice-Chairmen, without priority, and a Rapporteur.

Geographical rotation of officers

1. The Chairman will be elected in turns from the five geographical regions in accordance with the following order starting from 2000, unless the Sub-Commission decides otherwise: Eastern Europe, Western Europe and others, Latin America, Asia, Africa.

2. The Rapporteur will be elected from the five geographical regions in accordance with the following order starting from 2000, unless the Sub-Commission decides otherwise: Africa, Asia, Western Europe and others, Eastern Europe, Latin America.

Rule 16 (Term of office)

The officers of the Sub-Commission shall, subject to rule 19, hold office until their successors are elected.

Rule 17 (Acting Chairman)

1. If the Chairman finds it necessary to be absent during a meeting or any part thereof, he shall designate one of the Vice-Chairmen to take his place.

2. If the Chairman ceases to hold office pursuant to rule 19, the remaining officers shall designate one of the Vice-Chairmen to take his place until the election of a new Chairman.

Rule 18 (Powers of the Acting Chairman)

A Vice-Chairman acting as Chairman shall have the powers and duties of the Chairman.

Rule 19 (Replacement of the Chairman or other officers)

If the Chairman or any other officer is unable to carry out his functions or ceases to be a member of the Sub-Commission, he shall cease to hold such office and a new officer shall be elected for the unexpired term.

Rule 20 (Voting rights of the officers)

The Chairman shall have the right to vote.

Voting by officers

1. In the practice of the Sub-Commission, the Chairman will abstain from exercising his voting right when he is chairing the meeting.

2. The Vice-Chairmen not acting as Chairman and the Rapporteur may exercise their voting rights.

V. SUBSIDIARY ORGANS

Rule 21 (Establishment of working groups)

1. During a session, the Sub-Commission may set up such working groups composed of members of the Sub-Commission as are deemed necessary and refer to them any questions on the agenda for study and report.

2. With the prior approval of the Council and in agreement with the Secretary-General such working groups may be authorized to sit while the Sub-Commission is not in session.

3. The members of working groups of the Sub-Commission shall be nominated by the Chairman, at the recommendation of the five geographic regions and subject to the approval of the Sub-Commission.

Geographical distribution of chairmen of working groups

In electing its Chairmen-Rapporteur, each working group shall pay due consideration to the geographical distribution, taking account of the nationalities of the Chairmen-Rapporteurs already elected in other working groups.

Rule 22 (Establishment of Sub-Commissions)

[Not applicable to the Sub-Commission.]

Rule 23 (Officers)

Unless the Sub-Commission decides otherwise, its working groups shall elect their own officers.

Officers of working groups

1. In principle, the working groups are expected to elect a Chairman and a Rapporteur.

2. The working groups, however, may elect, at their own discretion, only one person to serve as Chairman-Rapporteur.

Rule 24 (Rules of procedure)

The rules of procedure of the Sub-Commission shall apply to the proceedings of its working groups insofar as they are applicable.

VI. SECRETARIAT

Rule 25 (Duties of the Secretary-General)

1. The Secretary-General shall act in that capacity in all meetings of the Sub-Commission. He may designate a member of the Secretariat to act as his representative.

2. He shall provide and direct the staff required by the Sub-Commission and be responsible for all the arrangements that may be necessary for its meetings.

3. He shall keep the members of the Sub-Commission informed of any questions that may be brought before it for consideration.

Rule 26 (Duties of the Secretariat)

The Secretariat shall:

(a) Interpret speeches made at meetings;

(b) Receive, translate and circulate documents;

(c) Print, publish and circulate as appropriate the records of the sessions, the resolutions of the Sub-Commission and the required documentation;

(d) Have custody of the documents in the archives; and

(e) Generally perform all other work that may be required.

Rule 27 (Statements by the Secretariat)

The Secretary-General or his representative may, subject to rule 43, make oral as well as written statements to the Sub-Commission concerning any question under consideration.

Rule 28 (Estimate of expenditure)

1. Before a proposal involving the expenditure of United Nations funds is approved by the Sub-Commission, the Secretary-General shall prepare and provide to the Sub-Commission an estimate of the programme budget implications of implementing the proposal. The Chairman shall draw attention to that estimate and invite discussion on it when the proposal is considered by the Sub-Commission.

2. Any programme budget proposal recommended by the Sub-Commission to the Council for its approval, through the Commission on Human Rights, must be stated in terms of the objectives to be achieved.

VII. LANGUAGES

Rule 29 (Official and working languages)

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages, and English, French and Spanish the working languages of the Sub-Commission.

Registration of preference of working languages

The members of the Sub-Commission shall register with the secretariat in which working language they may wish to receive studies, working papers and any other documents.

Rule 30 (Interpretation)

1. Speeches made in an official language shall be interpreted into the other official languages.

2. A speaker may speak in a language other than an official language if he provides for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 31 (Languages of records)

Records shall be drawn up in the working languages. A translation of the whole or part of any record into any of the other official languages shall be furnished if requested by a member.

Rule 32 (Languages of resolutions and other formal decisions)

All resolutions, recommendations and other formal decisions of the Sub-Commission shall be made available in the official languages.

VIII. RECORDS AND REPORTS

Rule 33 (Sound recordings of meetings)

Sound recordings of meetings of the Sub-Commission shall be made and kept by the Secretariat. Such recordings may also be made and kept of the meetings of working groups if so decided by the Sub-Commission.

Rule 34 (Summary records of meetings)

No summary records of meetings of the Sub-Commission or its working groups shall be provided, unless these have been specifically authorized by the Council.

Rule 35 (Records of public meetings)

1. Summary records of the public meetings of the Sub-Commission and its working groups, where authorized and required, shall be prepared by the Secretariat. They shall be distributed as soon as possible to all members of the Sub-Commission or of the working groups, and to any other participants in the meeting, who may, within one week of their receipt, submit corrections to the Secretariat; in special circumstances, the presiding officer may, in consultation with the Secretary-General, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after

consulting, where necessary, the sound recordings of the proceedings. Corrections will be consolidated in a single corrigendum to be issued after the end of the session.

2. The summary records and the consolidated corrigendum thereto shall be distributed promptly to the Members of the United Nations and to the specialized agencies. On publication, these records may be consulted by the public.

Rule 16 (Records of private meetings)

The records of private meetings of the Sub-Commission shall be distributed promptly to the members of the Sub-Commission. They shall be made available to other Members of the United Nations upon decision of the Sub-Commission. They may be made public at such time and under such conditions as the Sub-Commission may decide.

Rule 17 (Report to the Commission)

The Sub-Commission shall submit to the Commission on Human Rights a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Commission. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Commission.

Rule 18 (Communication of formal decisions and reports)

As soon as possible, the text of the formal decisions and reports adopted by the Sub-Commission shall be distributed to all members of the Sub-Commission and to any other participants in the session. The printed text of such decisions and reports shall be distributed as soon as possible after the close of the session to the Members of the United Nations, to the specialized agencies, to the intergovernmental organizations referred to in rule 74 and to the concerned non-governmental organizations having general or special consultative status or on the Roster.

IX. PUBLIC OR PRIVATE MEETINGS

Rule 19 (General principle)

Unless the Sub-Commission decides otherwise its meetings shall be held in public.

Private meetings

The Sub-Commission considers the "1503 procedure" in private meetings in accordance with paragraph 5 of Council resolution 1503 (XLVIII).

Holding a private meeting

The Sub-Commission may at any time decide to hold a private meeting when such a private meeting may facilitate an exchange of views among its members.

X. CONDUCT OF BUSINESS

Rule 40 (Quorum)

A majority of the members of the Sub-Commission shall constitute a quorum.

Schedule of meetings

In accordance with an established practice, meetings not devoted to the adoption of resolutions and decisions shall begin at the scheduled time. However, if a member so requests, the meeting may not be called to order until there is a quorum.

[Guideline No. 13]

Rule 41 (General powers of the Chairman)

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Sub-Commission, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have complete control of the proceedings of the Sub-Commission and over the maintenance of order at its meetings. He shall rule on points of order. He may propose to the Sub-Commission the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

2. The Chairman, in the exercise of his functions, remains under the authority of the Sub-Commission.

Rule 42 (Points of order)

1. During the discussion of any matter, a member may at any time raise a point of order, which shall be decided immediately by the Chairman in accordance with these rules. A member may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present and voting.

2. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Interruption of a point of order

A member may not raise a point of order in such a way as to interrupt the presentation of another member's point of order, unless, subject to the appreciation of the Chairman, the member who asked for the point of order first is speaking on the substance of the matter under discussion.

Rule 43 (Speeches)

1. No one may address the Sub-Commission without having previously obtained the permission of the Chairman. Subject to rules 42, 45 and 48 to 50, the Chairman shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the question before the Sub-Commission and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Sub-Commission may limit the time allowed to speakers and the number of times each member may speak on any question; permission to speak on a motion to set such limits shall be accorded only to two members favouring and to two opposing such limits, after which the motion shall be put to the vote immediately. Interventions on procedural questions shall not exceed five minutes unless the Sub-Commission decides otherwise. When debate is limited and a speaker exceeds the allotted time, the Chairman shall call him to order without delay.

Absence of speakers

Once the list of speakers on any particular item has been established, those observers who are not present in the meeting when their names are called by the Chairman may lose the right to speak on the agenda item under consideration, unless otherwise decided by the Sub-Commission.

Regulation of statements

Under the agenda item "human rights situations", non-governmental organization (NGO) observers might be requested to speak, in accordance with the Chairman's instruction, not in the order in which they inscribed their names in the speakers' list, but together with other NGOs wishing to speak on the human rights situation in the same country.

Order of statements

1. Members of the Sub-Commission, at any time;

2. Observers for intergovernmental and non-governmental organizations;

3. Government observers.

[Guideline No. 14]

List of speakers

1. The list of speakers shall be opened at the beginning of the session for all items on the agenda. The closure of the list for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on the agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

[Guideline No. 15]

Speaking time

At the beginning of each session, the Chairman shall invite participants to respect the speaking time allocated for each agenda item in accordance with the following rules, unless the Bureau decides otherwise:

(a) Members of the Sub-Commission:

(i) Twenty minutes maximum, which may be divided into one or several statements;

(ii) Thirty-five minutes maximum, for the presentation of a study or a working paper, to be divided by the author between explanatory remarks and the conclusion;

(b) Non-governmental observers: 10 minutes maximum (and 16 minutes in total if the item contains several sub-items or in the case of a joint statement);

(c) Government observers:

(i) Ten minutes maximum (and 14 minutes in total if the item contains several sub-items);

(ii) Five minutes maximum in connection with a right of reply or three minutes maximum in connection with a second right of rejoinder, as the case may be;

(iii) Five minutes maximum for a statement to be exercised immediately before voting on a resolution when the country is implicated. A government observer of such implicated country may make a statement immediately after voting instead of before voting. [Chairman's ruling during the forty-eighth session in 1996].

[Guideline No. 16]

Statements on "human rights situations"

1. Speaking time

(a) Maximum speaking time under the agenda item "human rights situations" shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 18.00 hours on the day before the opening of debate on that agenda item. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Four meetings shall be allocated for the presentations by the observers referred to above;

(b) This supplementary guideline under (a) also applies to government observers who wish to provide information on human rights developments in their countries, provided they have signed up before the closure of the list mentioned. Under the agenda item "human rights situations", governmental observers shall not address the human rights situations in countries other than their own;

(c) Speaking time for government observers exercising the right of reply is additional to time used by that observer under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. The right of reply shall normally be exercised after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be exercised earlier.

2. Allocation of time and sequences of speakers

The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list mentioned under points 1 (a) and (b) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to the statements made by the members of the Sub-Commission.

[Supplement to guideline No. 16]

Limitations on statements

1. An NGO observer may not speak twice under the same agenda item, even if he represents more than one NGO.

2. Once an observer has raised a particular issue on a human rights situation under one agenda item, he may not raise the same issue under another agenda item.

Rule 44 (Closing of list of speakers)

During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Sub-Commission, declare the list closed. When there are no more speakers, the Chairman shall, with the consent of the Sub-Commission, declare the debate closed. Such closure shall have the same effect as closure by decision of the Sub-Commission.

List of speakers

1. The closure of the list for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on an agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

[Guideline No. 15]

Closure of speakers' list on "human rights situations"

The closure of the list of speakers should be set at 18.00 hours on the day before the opening of the agenda item "human rights situations".

[Supplement to guideline No. 16]

Rule 45 (Right of reply)

The right of reply shall be accorded by the Chairman to any government observer who requests it. Government observers should attempt, in exercising this right, to be as brief as possible and preferably to deliver their statements at the end of the meeting at which this right is requested.

Timing for the right of reply

1. The right of reply shall normally be exercised after the exhaustion of the list of speakers but can, in exceptional circumstances with the permission of the Chairman, be made earlier.

2. The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list of speakers speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission.

[Supplement to guideline No. 16]

Rule 46 (Congratulations)

Congratulations to the newly elected officers shall be expressed only by the outgoing Chairman or one of the Vice-Chairmen designated by the outgoing Chairman.

Further congratulations

Further congratulations should be avoided and/or abbreviated, insofar as possible.

Rule 47 (Condolences)

Condolences shall be expressed solely by the Chairman on behalf of all members. The Chairman, with the agreement of the Sub-Commission, may dispatch a message on behalf of all members of the Sub-Commission.

Rule 48 (Suspension or adjournment of the meeting)

During the discussion of any matter, a member may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be put to the vote immediately.

Rule 49 (Adjournment of debate)

A member may at any time move the adjournment of the debate on the item under discussion. Permission to speak on the motion shall be accorded only to two members favouring and to two opposing the adjournment, after which the motion shall be put to the vote immediately.

Rule 50 (Closure of debate)

A member may at any time move the closure of the debate on the item under discussion, whether or not any other member has signified his wish to speak. Permission to speak on the motion shall be accorded only to two members opposing the closure, after which the motion shall be put to the vote immediately.

Rule 51 (Order of motions)

Subject to rule 42, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Rule 52 (Submission of proposals and substantive amendments)

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General. Unless the Sub-Commission decides otherwise, proposals and substantive amendments shall be discussed or put to the vote no earlier than 24 hours after copies have been circulated to all members.

Rule 53 (Withdrawal of proposals and motions)

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any member.

Rule 54 (Decisions on competence)

A motion calling for a decision on the competence of the Sub-Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 55 (Reconsideration of proposals)

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Sub-Commission so decides. Permission to speak on a motion to reconsider shall be accorded only to two members opposing the motion, after which it shall be put to the vote immediately.

XI. VOTING AND ELECTIONS

Rule 56 (Voting rights)

Each member of the Sub-Commission shall have one vote.

Rule 57 (Request for a vote)

A proposal or motion before the Sub-Commission for decision shall be voted upon if any member so requests. When no member requests a vote, the Sub-Commission may adopt proposals or motions without a vote.

Rule 58 (Majority required)

1. Except as provided in rule 5 (4) (ii), decisions of the Sub-Commission shall be made by a majority of the members present and voting.

2. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

Rule 59 (Method of voting)

1. Except as provided in rule 66, the Sub-Commission shall normally vote by show of hands, except that a member may request a roll-call which shall be taken in the English alphabetical order of the names of the members of the Sub-Commission, beginning with the member whose name is drawn by lot by the Chairman. The name of each member shall be called in all roll-calls, and he shall reply "yes", "no" or "abstention".

2. The vote of each member participating in any roll-call shall be inserted in the record.

Secret ballot

1. The Sub-Commission decided to suspend rule 59, pursuant to rule 78, in order to vote by secret ballot on proposals under the agenda item on the 1503 procedure, for the purpose of protecting the independence of the members. [decisions 1989/101, 1990/111]

2. The Sub-Commission decided, pursuant to Council resolution 1991/32, to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature. [decision 1998/102]

Rule 60 (Explanation of vote)

Members may make brief statements consisting solely of the explanation of their votes, before the voting has commenced or after the voting has been completed. The member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

No explanation of vote on secret ballot

It has been an established practice as well as a logical consequence that members may not speak in explanation of vote, either before or after voting, when the vote is made by secret ballot.

Rule 61 (Conduct during voting)

After the Chairman has announced the commencement of voting, no member may interrupt the voting except on a point of order in connection with the actual process of voting.

Rule 62 (Division of proposals and amendments)

Parts of a proposal or an amendment shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal or the amendment which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal or an amendment have been rejected, the proposal or amendments shall be considered to have been rejected as a whole.

Rule 63 (Amendments)

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal.

Rule 64 (Order of voting on amendments)

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

Rule 65 (Order of voting on proposals)

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Sub-Commission decides otherwise, be voted on in the order in which they were submitted. The Sub-Commission may, after each vote on a proposal, decide whether to vote on the next proposal.

2. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 66 (Elections)

All elections shall be held by secret ballot, unless, in the absence of any objection, the Sub-Commission decides to proceed without taking a ballot on an agreed candidate or slate.

Rule 67 (Elections) (2)

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

Rule 68 (Equally divided votes)

If a vote is equally divided on a matter other than an election, the proposal or motion shall be regarded as rejected.

XII. PARTICIPATION OF NON-MEMBERS OF THE SUB-COMMISSION

Rule 69 (Participation of States)

1. The Sub-Commission shall invite any Member of the United Nations and any other State to send its representatives to the public meetings of the Sub-Commission as government observers.

2. A working group of the Sub-Commission shall invite any State to send its representatives to the public meetings of the working group as government observers.

3. A State thus invited shall not have the right to vote.

Rule 70 (Participation of national liberation movements)

The Sub-Commission may invite any national liberation movement recognized by or in accordance with resolutions of the General Assembly to send its representative to public meetings of the Sub-Commission as observers without the right to vote.

Rule 71 (Participation of specialized agencies)

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled:

(a) To be represented at public meetings of the Sub-Commission and its working groups;

(b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them.

Rule 72 (Consultation with specialized agencies)

Before the Secretary-General places an item proposed by a specialized agency on the provisional agenda of the Sub-Commission, he shall carry out with the agency concerned such preliminary consultation as may be necessary.

Rule 72 (Consultation with specialized agencies)

1. Where an item proposed for inclusion in the provisional agenda for a session or added to the agenda under rule 8 contains a proposal for new activities to be undertaken by the United Nations relating to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall enter into consultation with the agencies concerned and report to the Sub-Commission on the means of achieving a coordinated use of the resources of the respective agencies.

2. When in the course of a meeting of the Sub-Commission a proposal for new activities to be undertaken by the United Nations related to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall, after such consultation as may be possible with the representatives of the agencies concerned, draw the attention of the Sub-Commission to the implications of the proposal.

3. Before deciding on proposals referred to above, the Sub-Commission shall satisfy itself that adequate consultations have taken place with the agencies concerned.

Rule 74 (Participation of other intergovernmental organizations)

Representatives of intergovernmental organizations accorded permanent observer status by the General Assembly and of other intergovernmental organizations designated on a continuing basis by the Council or invited by the Sub-Commission may participate, without the right to vote, in the deliberations at the public meetings of the Sub-Commission on questions within the scope of the activities of the organizations.

XIII. CONSULTATION WITH AND REPRESENTATION OF NON-GOVERNMENTAL ORGANIZATIONS

Rule 75 (Representation)

Non-governmental organizations having general or special consultative status may designate authorized representatives to sit as observers at public meetings of the Sub-Commission and its working groups. Those on the Roster may have representatives present at such meetings when matters within their field of competence are being discussed.

Rule 76 (Consultation)

1. The Sub-Commission may consult with organizations having general or special consultative status either directly or through a committee or committees established for the purpose. In all cases, such consultations may be arranged on the invitation of the Sub-Commission or at the request of the organization.

2. On the recommendation of the Secretary-General and at the request of the Sub-Commission, organizations on the Roster may also be heard by the Sub-Commission.

XIV. AMENDMENT AND SUSPENSION OF RULES OF PROCEDURE

Rule 77 (Method of amendment)

Only the Council may amend these rules.

Rule 78 (Method of suspension)

A rule of procedure may be temporarily suspended by the Sub-Commission provided that such suspension shall not be inconsistent with any applicable decisions of the Council and provided that 24 hours' notice of the proposal for suspension has been given, which may be waived if no member objects. Any such suspension shall be limited to a specific purpose and to a period required to achieve that purpose.

XV. PREPARATION OF STUDIES AND SUBMISSION OF DOCUMENTS

Regulation of the number of studies

1. When the number of ongoing studies entrusted to special rapporteurs reaches 13, no new study may be undertaken unless a previously authorized study has been completed, except when it has been requested directly by the Commission.

2. Any study whose final report has been submitted to the Sub-Commission for consideration, even if it is subsequently decided that it may be updated annually, for example, in the form of a periodic report, is considered to have been completed.

3. When the number of studies proposed for a decision exceeds 13, the members of the Sub-Commission should hold consultations in order to establish priorities.

[Guideline No. 1]

Document preliminary to the studies

1. No new study may be undertaken unless a document entitled "preparatory document" has been submitted. Such a document should indicate, inter alia, the relevance of the study, including its timeliness, its object and the general outlines envisaged as well as a draft timetable. It should take the form of a working paper a few pages in length, submitted if possible in the course of the session of the Sub-Commission during which the study is proposed.

2. The preparation of a preparatory document shall in no way prejudge the decision finally taken concerning the execution of the study or the person finally designated to carry it out.

[Guideline No. 2]

Duration of studies

1. Unless there are special circumstances connected with the nature of the subject under study, the period of time for carrying out a study should be three years from the time of its authorization. It should comprise, in addition to the preparatory document, the following three phases: a preliminary report, a progress report and a final report.

2. If at any time during his mandate the special rapporteur considers that, as a result of the difficulties encountered by him, he will need more than three years to complete his study, he should submit the question to the Sub-Commission for consideration in the context of the open debate on the agenda item in question.

[Guideline No. 3]

Appointment of special rapporteurs

1. The specialized knowledge of the various members of the Sub-Commission should be taken into account when appointing special rapporteurs, due regard being had for equitable geographical distribution. The members of the Sub-Commission should hold consultations during the session to coordinate the topics of new studies and the appointment of the experts who will be responsible for them. To this end, the Rapporteur of the Sub-Commission shall be entrusted with the task of collecting proposals for studies that are made during the session and informing the Sub-Commission in due time, for the purpose of agreeing and deciding on them.

[Guideline No. 4]

2. No alternate should undertake a study if an expert is willing to do so.

Appointment of commentators

1. The author of the study may appoint a maximum of two members of the Sub-Commission as commentators in order to undertake an in-depth analysis of the study, in liaison with its author, so as to be better able to draw the attention of the Sub-Commission, during its deliberations, to points that seem important or controversial.

2. When such an appointment is envisaged, it is desirable that it should take place at the session preceding the submission of the study or not later than the beginning of the session at which the study is submitted.

3. Such an appointment should in no way limit the right of any member of the Sub-Commission to comment, at any time under the agenda item being discussed, on the report submitted for consideration.

[Guideline No. 5]

List of studies

In accordance with established practice and in compliance with paragraph 3 of Commission resolution 1982/23, the Sub-Commission shall annex to its annual report an updated list of completed or ongoing studies containing the following information bearing appropriate symbol numbers:

(a) Title of the study;

(b) Name of the author;

(c) Legislative authority;

(d) Timetable for the study;

(e) Effective date of presentation of the preliminary, interim (progress) or final report. No change.

[Guideline No. 6]

Follow-up of studies

The secretariat shall inform the Sub-Commission, at each session, of the follow-up action on studies, in the form of a note indicating for each study the following points:

(a) Title of the study, specifying, if necessary, whether or not the report is updated annually (periodic report);

(b) Name of the author;

(c) Reference to the decisions concerning the budgetary implications and an indication of the total amount; for each of these decisions, the total amount of the appropriations actually used after the completion of the appropriate phase of the study;

(d) Summary of the most recent recommendation made by the author of the study, follow-up given to these recommendations, in respect of the rules, measures or practices adopted by the secretariat, by Governments, by the specialized agencies or by the institutions or non-governmental organizations concerned.

[Guideline No. 7]

Time limit for the submission of documents

1. Special rapporteurs and other members who were entrusted with the task of preparing studies, working papers and any other documents for submission to the Sub-Commission shall submit them to the secretariat at the latest 10 weeks prior to the session.

2. Studies, working papers and any other documents not submitted by the above time limit may not be considered at the next session unless the Sub-Commission decides otherwise.

Immediate circulation of documents in working languages

1. As soon as studies, working papers and any other documents become ready for circulation in all working languages, the secretariat shall send them immediately to the members of the Sub-Commission in accordance with their preference of languages registered with the secretariat. No document will be discussed by the Sub-Commission until it is translated at least into the three working languages, unless the Sub-Commission decides otherwise.

2. The secretariat shall send to the members of the Sub-Commission the following documents at the latest four weeks prior to the session:

(a) The annotated agenda and other documents related to the session;

(b) Studies, working papers and any other documents submitted to the secretariat at the latest 10 weeks prior to the session.

XVI. RESOLUTIONS AND DECISIONS

Number of resolutions and decisions

In order to permit a better assessment of trends with regard to the number of resolutions and decisions and to promote self-discipline for the purpose of reducing their number, the secretariat shall provide, at each session of the Sub-Commission, a comparative table for the previous three years showing the number of resolutions and decisions considered by category, as follows:

(a) Resolutions and decisions concerning the Sub-Commission alone;

(b) Resolutions and decisions submitted to the Commission on Human Rights for action or adoption, stating how many of them are also to be submitted to the Council for adoption;

(c) Resolutions of whatever category concerning the human rights situations in a given country;

(d) Resolutions and decisions concerning the submission of studies;

(e) Resolutions and decisions whose adoption was deferred or which were withdrawn;

(f) Solemn and consensus statements by the Chairman;

(g) Documents stating the financial implications of resolutions and decisions submitted in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Council.

[Guideline No. 8]

Consultation

If the total number of intended resolutions and/or decisions risks being too high, the Chairman will consult with those members who intend to submit more than one resolution and/or decision so that a balance may be maintained among the members.

Co-sponsors

If, when a draft resolution or decision is being submitted, the Chairman notes that the signatures of at least four co-sponsors have not been obtained, he may, in consultation with the officers, invite the author or, if appropriate, the co-sponsors, to withdraw their draft. If the author or a single co-sponsor objects, the draft shall be kept on the agenda.

[Guideline No. 10]

Consultations by the Chairman

Either during consultations prior to the submission of a draft resolution or decision or after its registration with the secretariat, the Chairman, after consultation with the officers, shall ascertain whether it would be appropriate to invite all the parties involved in such consultations to replace the draft resolution or decision with a solemn and consensus declaration by the Chairman meeting their approval and which would appear in extenso in the report of the Sub-Commission and in the summary record.

[Guideline No. 11]

Deadline for submission of draft resolutions or decisions

Without prejudice to the provisions of rule 52 of the rules of procedure of the functional commissions of the Council, draft resolutions and decisions should be submitted at least three working days before the date of which they are scheduled to be put to a vote. This deadline should be set at four days in cases involving financial implications.

[Guideline No. 12]

XVII. AGENDA ITEM ON HUMAN RIGHTS SITUATIONS

Speaking time

(a) As a guideline supplemental to guideline No. 16, maximum speaking time under the agenda item "human rights situations" shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 18.00 hours on the day before the opening of the agenda item "human rights situations". Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Four meetings shall be allocated for the presentations by the observers referred to above;

(b) The rule under (a) also applies to government observers who wish to provide information on human rights developments in their country, provided they have signed up before the closure of the list mentioned. Government observers should normally avoid, under the agenda item "human rights situations", the human rights situations in countries other than their own;

(c) Speaking time for government observers exercising the right of reply is additional to time used by that observer under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. The right of reply shall normally be exercised after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be exercised earlier.

[Supplement to guideline No. 16]

Allocation of time and sequences of speakers

The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to the statements made by the members of the Sub-Commission.

Non-participation of experts concerned

When examining a situation which appears to reveal a pattern of gross and consistent violations of human rights in a country of which an expert of the Sub-Commission is a national, it would be desirable that the expert concerned not participate in the debates. The ultimate decision on whether or not such expert will intervene in the public discussion remains the responsibility of the expert concerned. [Note by the Chairman: E/CN.4/Sub.2/1998/38, para. 28]

Timing for consideration of "human rights situations"

The Sub-Commission decided that it would continue the practice of considering the agenda item on "human rights situations" two days after the opening of the session.

XVIII. AGENDA ITEM ON 1503 PROCEDURE

Private meetings

The Council decided that consideration of the procedure provided for in its resolution 1503 (XLVIII) shall be made in private meetings.

Secret ballot

The Sub-Commission decided to suspend rule 59, pursuant to rule 78, in order to vote by secret ballot on proposals under the agenda item on the 1503 procedure, for the purpose of protecting the independence of the members. [decisions 1989/101, 1990/111]

Inapplicability of 1503 procedure

The Sub-Commission decided to concur with the view expressed by the Working Group on Communications that the procedure governed by Council resolution 1503 (XLVIII) could not be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which occurred during the Second World War. [decision 1991/104]